

## Reprint PERMISSION REQUEST GUIDELINES

### Use for:

Any previously published material that is to be reproduced and distributed in a manner which exceeds the limits of "fair use." This includes articles to be reprinted in their entirety, substantial quotes, illustrations, and photocopies of material offered as part of "clearinghouse" services.

### General instructions:

1. Permission is required for any reproduction of substantial portions of previously published material that is not in public domain, including author's own works.
2. Even a small portion of a musical lyric, poem, letter, play, or diary entry requires permission.
3. Permission must always be obtained for illustrations.
4. All of the copyright agreements require the author to obtain permission to use previously published material. This not only includes quoted passages from other writer's works, but also any of the author's own publications. As a convenience, the model *Permission Request* may be provided to the author for this purpose.

In addition, the author should attach a rider to the agreement indicating exactly which portions have already been published and by whom. We must have this information to formally register the copyright at the Copyright Office. The generic *Rider* included here may be used for this purpose, although any statement in writing from the author will suffice.

5. If the project coordinator or editor selects an article that has been previously published, then he or she will need to obtain a written permission grant from whoever controls the rights to the work. Generally, it is best to contact the publisher first. Send the publisher a *Permission Request* at least a month prior to publication. The publisher's address is often printed on the copyright page of the work. If it is not, a reference work entitled *Literary Market Place* contains the addresses of all the publishers in the United States.
6. If the publisher cannot grant the permission, they should tell you who to contact.

7. OBTAINING PERMISSION USUALLY TAKES ONE TO TWO MONTHS. Editorial decisions and production plans should be made accordingly.

### Exceptions:

1. Works in the public domain.
2. Works of the U.S. Government.
3. Brief quotations. However, the source should always be acknowledged.
4. Fair use. Learned Hand called the question of fair use "the most troublesome in the whole law of copyright." The underlying idea of the fair use doctrine is that the use of copyrighted works in a "reasonable manner" promotes intellectual progress and benefits society as a whole. The copyright law provides four factors to help determine what is "reasonable":

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole;
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The law also mentions that use of copyrighted works "for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright." 17 U.S.C. sec. 107.

5. Limited use by libraries or archives. Some, but not all, of the "clearinghouse" material will fall into this category. The rule of thumb is:  
A single copy of no more than one article from a collection or periodical issue, or a small part of any other work, made at the request of a single individual specifically for private study or research may be made without obtaining permission from the copyright proprietor, provided that such requests are isolated and unrelated.

**A SAMPLE PERMISSION REQUEST**

DATE:

TO:                   Permissions Manager

[ADDRESS]

FROM:

Dear Sir or Madam:

I am writing to request permission to reprint the following material from your publication:

TITLE OF BOOK OR PERIODICAL (include volume, issue and date):

TITLE OF CHAPTER OR ARTICLE:

AUTHOR/EDITOR:

ON PAGES NUMBERED:

This material is to appear as originally published (unless otherwise noted on the reverse side of this letter) in the following work to be published by the American Bar Association:

TITLE:

AUTHOR/EDITOR:

PROPOSED DATE OF PUBLICATION:

APPROXIMATE NUMBER OF PAGES:

NUMBER OF COPIES TO BE PRINTED:

PRICE PER COPY OR SUBSCRIPTION RATE:

We are requesting nonexclusive world English language rights in this and future editions. If you are the copyright holder, may we have your permission to reprint the above material in our publication? Unless you indicate otherwise, we will use the usual form of acknowledgment, including publisher, author, title, and copyright notice.

If you are not the copyright holder, or if additional permission is needed from another source, please so indicate.

Thank you for your consideration of this request. For your convenience, a release form is provided below, and a duplicate copy of this request is enclosed for your files.

Sincerely,

=====  
The above request is hereby approved on the understanding that full credit will be given to the source.

APPROVED BY: \_\_\_\_\_ DATE: